

ASSEMBLY BILL

No. 311

Introduced by Assembly Member Cook

February 9, 2011

An act to add Section 108 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 311, as introduced, Cook. Employment: labor standards: consultation unit.

Existing law establishes the Division of Labor Standards Enforcement in the Department of Industrial Relations for the enforcement of labor laws.

This bill would establish in the division the Labor Standards Consultation Unit for the purpose of providing consulting services to an employer or employee regarding compliance with labor standards. The bill would authorize the unit to charge a requester a fee for consulting services provided, not to exceed the actual cost to the unit, and to fund its operation from grants obtained from for-profit or not-for-profit nongovernmental entities. The bill would prohibit the division from citing an employer for a violation of any labor standard, order, or regulation discovered as a result of an employer requesting or accepting services from the unit pursuant to the bill if the employer remedies the violation within 30 days.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 108 is added to the Labor Code, to read:

1 108. (a) There is established in the Division of Labor Standards
2 Enforcement, the Labor Standards Consultation Unit to provide,
3 upon request, a full range of consulting services to any employer
4 or employee. Those consulting services shall include providing
5 information, advice, or recommendations on complying with labor
6 standards, orders, or regulations adopted pursuant to this code.

7 (b) (1) The unit may charge the requester a fee for consulting
8 services provided pursuant to this section, not to exceed the actual
9 cost to the unit.

10 (2) The unit may fund its operation through grants obtained
11 from for-profit or not-for-profit nongovernmental entities.

12 (c) The division may not cite an employer for a violation of any
13 standard, order, or regulation adopted pursuant to this code, if the
14 violation is discovered as a result of an employer requesting or
15 accepting consulting services offered pursuant to this section and,
16 if within 30 days of that discovery, the employer takes corrective
17 action that remedies the violation.